

ISSUE	CITY OF SAN JOSÉ'S PROGRAM	MEASURE C (Local Initiative - June 2016 Ballot)
-------	----------------------------	---

<b>Number of Parcels Potentially Available in the City</b>	623* (*16 collectives are currently registered with the City)	31,517
<b>Zoning Districts</b>	As a Restricted Use in the Following Zones: <ul style="list-style-type: none"> <li>• DC – Downtown Primary Commercial (2<sup>nd</sup> floor Only)</li> <li>• CIC – Combined Industrial Commercial</li> <li>• IP – Industrial Park</li> <li>• LI – Light Industrial</li> <li>• HI – Heavy Industrial</li> </ul>	As a Restricted Use in the Following Zones: <ul style="list-style-type: none"> <li>• A – Agricultural</li> <li>• CP – Commercial Pedestrian</li> <li>• CN – Commercial Neighborhood</li> <li>• IP – Industrial Park</li> <li>• LI – Light Industrial</li> <li>• HI – Heavy Industrial</li> <li>• PD – Planned Development (if base land use is one of the above)</li> </ul>
<b>Buffers from Sensitive Uses</b>	Collectives Cannot Be Located Within: <ul style="list-style-type: none"> <li>• 1,000 Feet of Public and Private Preschools, Elementary or Secondary Schools, Child Day Care Centers, Community and Recreation Centers, Parks and Libraries</li> <li>• 500 Feet of Substance Abuse Centers and Emergency Residential Centers</li> <li>• 150 Feet from Residential Uses, Religious Assemblies, and Adult Day Cares</li> <li>• 50 Feet from Another Collective/Cultivation Site</li> <li>• North San José Development Policy Area, Edenvale Development Area, or International Business Park</li> <li>• Ground Floor of Buildings Within the Downtown Primary Commercial District</li> <li>• Any Retail Commercial Shopping Center Over 40 Acres</li> </ul>	Collectives Cannot Be Located Within: <ul style="list-style-type: none"> <li>• 1,000 Feet of Public and Private K-12 Schools, Public and Private Junior Colleges, Colleges or Universities, Playgrounds (if there are three or more pieces of playground equipment i.e. swing sets and teeterboards) and Housing Developments Owned by the Public Housing Authority</li> <li>• 100 Feet from Public and Private Youth Centers (if its primary intent is for use by persons under 18 and if it regularly provides athletic, civic or cultural activities), Public Swimming Pools, and Video Arcades (if they have 10 or more video games or pinball machines)</li> <li>• Ground Floor of Buildings Within the Downtown Primary Commercial District</li> <li>• Any Retail Commercial Shopping Center over 20 Acres</li> </ul>

Outdoor Cultivation	No	Yes
<b>Registration Disclosure Requirements</b>	<p>Must Disclose:</p> <ul style="list-style-type: none"> <li>• Legal Name and Any Other Names the Collective May Be Operating Under</li> <li>• Physical Street Address and Description</li> <li>• On-Site Telephone Number</li> <li>• Proof that Location is in Compliance with Title 20</li> <li>• Name, Telephone Number and Address of Person Authorized to Accept Service and Point of Contact</li> <li>• All Owners/Managers/Members who are Involved in the Cultivation, Processing, Manufacturing, Transporting or Dispensing Medical Marijuana: Complete Legal Name, Date of Birth, Copy of ID, Telephone Number, Copy of Physician's Recommendation and Contact Information for Physician, Set of Fingerprints and Detailed Explanation of Involvement</li> <li>• Telephone Number of Owner/Manager</li> <li>• Whether Collective Is/Was Subjected to Criminal Investigation, Prosecution, Civil Investigation, Administrative Action or Civil Lawsuit</li> <li>• Whether Collective Was Denied Permit/Registration in a Different Jurisdiction</li> <li>• Complete List of all Duties/Functions of Managers</li> <li>• Copy of Lease or Right to Possess Site</li> <li>• Operations Plan, Management Plan, Security Plan Cultivation Plan and Odor Management Plan</li> <li>• Financial Information</li> <li>• Proof of Payment of Taxes</li> </ul>	<p>Must Disclose:</p> <ul style="list-style-type: none"> <li>• Legal Name and Any Other Names the Collective May be Operating Under</li> <li>• Physical Street Address and Description</li> <li>• On-Site Telephone Number</li> <li>• Name, Address and Phone Number of Collective's Contact Person</li> <li>• Senior Managers: Complete Legal Name, Date of Birth, Copy of ID, Telephone Number and List of Felony Convictions Within Past 7 Years re: Use of Violence, Fear, Force, Fraud, Deception, Possession, Sale Distribution or Transportation of Controlled Substance and Use of Money to Engage in Criminal Activity</li> <li>• List of Duties and Functions</li> <li>• Copy of Lease or Proof of Right to Possess Site</li> <li>• Operations Plan, Management Plan, Security Plan, Site Floor Plan</li> <li>• Proof of Payment of Taxes</li> </ul>
<b>On-Site Consumption</b>	Prohibited for Medical Marijuana and Alcohol	Alcohol Consumption Prohibited by "visiting members"

ISSUE	CITY OF SAN JOSÉ'S PROGRAM	MEASURE C (Local Initiative - June 2016 Ballot)
-------	----------------------------	---

<b>Personal Cultivation Regulations</b>	<p>Requires:</p> <ul style="list-style-type: none"> <li>• Inside the private residence of patient or primary caregiver</li> <li>• Residence must remain a residence with legal and functioning cooking/sleeping/sanitation abilities</li> <li>• Cultivation must be incidental to property (50 square feet or less)</li> <li>• Compliant with all building and fire codes. All electrical equipment must be hardwired</li> <li>• Does not affect health and safety through mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic vibration, improper storage of materials, processes, waste or other negative impacts</li> <li>• No evidence of cultivation from public right-of-ways</li> <li>• Cannot be distributed to any other person</li> <li>• Cannot provide excess to collectives</li> </ul>	<p>Requires:</p> <ul style="list-style-type: none"> <li>• Individual must be in compliance with state and local laws</li> <li>• No limitations to size of grow</li> <li>• May grow outdoors</li> <li>• No restrictions on providing surplus to collectives</li> </ul>
<b>Age Limitations</b>	No one under 21 allowed on site	No one under 18 on site, unless accompanied by Parent, Doctor or Legal Guardian

ISSUE	CITY OF SAN JOSÉ'S PROGRAM	MEASURE C (Local Initiative - June 2016 Ballot)
<b>Security Requirements</b>	<p>Requires:</p> <ul style="list-style-type: none"> <li>• Web Based Closed-Circuit Television</li> <li>• Recording System maintains surveillance for 30 Days</li> <li>• Centrally Monitored Fire and Burglar Alarm Monitored by a Professional Alarm Company</li> <li>• Electronic Records Must be in Unalterable Electronic Format. Hard copies kept in safe.</li> <li>• Exterior Lighting on Premises from Dusk to Dawn</li> <li>• All Medical Marijuana Must be Stored in Locked Vault or Safe or Other Secured Storage Structure</li> <li>• Window and Roof Hatches must be Secured to Prevent Unauthorized Access</li> <li>• State Licensed Security Guard on Duty 24 Hours / 7 Days a Week for Cultivation Site and Operating Hours for Collective</li> <li>• 24-Hour Telephone Number for Complaints</li> </ul>	<p>Requires:</p> <ul style="list-style-type: none"> <li>• Web Based Closed-Circuit Television</li> <li>• Recording System maintains surveillance for 15 Days</li> <li>• Centrally Monitored Fire and Burglar Alarm Monitored by a Professional Alarm Company</li> <li>• Exterior Lighting on Premises and Parking Area from Dusk to Dawn</li> <li>• Dried Medical Marijuana Must Be in a Locked Vault, Safe or Other Secured Storage Structure Bolted to the Floor or Otherwise Immovable. Concentrates and edibles not addressed.</li> <li>• 24-Hour Telephone Number for Complaints</li> </ul>
<b>Limits on Owners/Managers/Growers</b>	<p>Any Person Involved in the Cultivation, Processing, Manufacturing, Transporting or Dispensing May Not:</p> <ul style="list-style-type: none"> <li>• Be On Parole or Probation for the Possession, Sale, Distribution or Transportation of a Controlled Substance</li> <li>• Convicted of a Crime Within the Last 10 Years of the use of Violence, Force, Fear, Fraud or Deception; Unlawful Possession, Sale, Manufacture, Use, Distribution or Transportation of a Controlled Substance; or the Use of Money to Engage in Criminal Activity, Unlawful Possession or Use of a Firearm or a crime against moral turpitude.</li> <li>• Under the Age of 21</li> </ul>	<p>Cannot have a Senior Manager Who:</p> <ul style="list-style-type: none"> <li>• Is on Parole or Probation for the Possession, Sale, Distribution or Transportation of a Controlled Substance</li> <li>• Has Been Convicted of a Crime Within the Last 7 Years of the Use of Violence, Force, Fear, Fraud or Deception; Unlawful Possession, Sale, Distribution or Transportation of a Controlled Substance or the Use of Money to Engage in Criminal Activity. Does not include conviction for unlawful manufacture or use of a Controlled Substance as a disqualifier.</li> </ul>

ISSUE	CITY OF SAN JOSÉ'S PROGRAM	MEASURE C (Local Initiative - June 2016 Ballot)
-------	----------------------------	---

<b>Packaging Requirements</b>	<p>Requires:</p> <ul style="list-style-type: none"> <li>• Opaque Childproof Container</li> <li>• Name of Qualified Patient (Caregiver)</li> <li>• Name, Address and Phone Number of Collective</li> <li>• Name of Attending Physician</li> <li>• Date Product Provided</li> <li>• Amount of Product in Container</li> <li>• Suggested Dosage</li> <li>• List of Chemicals Used</li> <li>• Potential Side Effects</li> <li>• Warning re: Use While Operating Cars and Heavy Machinery and to Keep Out of Reach of Children</li> <li>• Edibles Must List Source of Food Production</li> </ul>	Not Addressed
<b>Administrative Citation Amounts for Violations</b>	<ul style="list-style-type: none"> <li>• Range from \$2,500 - \$50,000 per violation.</li> <li>• Fines Increase with each violation</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum of \$100 fine per violation.</li> <li>• Fines do not Increase with each violation</li> </ul>
<b>Amendments to the Program</b>	Upon City Council approval	<p>Requires one of the following:</p> <ul style="list-style-type: none"> <li>• Voters of San José amend, OR</li> <li>• After three years from the effective date of initiative, the City Council approves</li> </ul>